

**REMARKS**

Claims 1-23 are pending. By this response, claims 1, 8 and 15 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 1-23 under 35 U.S.C. §102(e) as being anticipated by Hashimoto (U.S. 6,704,054). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, the program logic in accordance with predetermined conditions stored in memory, the predetermined conditions having been set in advance, determines a start point of a search and one of two directions of search from the start point for an in-focus position of an image of the subject on the imaging positioning, and controls operation of the motor to move the focusing lens to the start point, and to move the focusing lens to the start point, and to move the focusing lens from the start point in the determined direction of search until an in-focus position is reached.

Claims 8 and 15 recite, *inter alia*, determining in accordance with predetermined conditions, the predetermined conditions have been set in advance, a start point from which to move the focusing lens along the optical axis in searching for an in-focus position and one of two directions of search from the start point; position and focusing lens at the start point; and moving the focusing lens along optical axis from the start point in the determined direction of search searching for an in-focus position.

Applicants respectfully submit that the above claimed features are not taught by Hashimoto.

Hashimoto teaches an image pick-up apparatus that includes an autofocusing feature. The autofocusing feature carries out infrared processing to determine the distance between the apparatus and the image subject. The infrared distance data that is obtained is provided to a CPU that processes the data through predetermined calculations. See column 8, lines 10-15. The calculation is compared with a predetermined distance to determine one of two general ranges in which an autofocusing processing is accomplished. See column 8, lines 27-52 and column 9, lines 34-47.

In Hashimoto, once the range is determined, a start and stop position within the range is calculated. The start and stop positions are based upon the infrared autofocusing result which is the calculated distance result based on the infrared distance information. The start position within the range is obtained by subtracting a variable  $G_s$  from the infrared autofocusing result. The stop position is obtained by adding a variable  $G_s$  to the position obtained from the infrared autofocusing result. Therefore, a range is determined based on the calculated infrared results which the Office Action allege corresponds to the claimed predetermined conditions, and the start and stop position are calculated within the range based upon a mathematical calculation of addition and subtraction based upon a variable number, not a predetermined condition.

Further, Hashimoto fails to teach obtaining a both a start position and direction of search for an in-focus position from the start position. As discussed at column 10, lines 21 through column 11, line 52 of Hashimoto, when beginning the search, the lens is driven to focus on the start position. The lens is then driven to the stop position while performing a search which is always at a greater depth in the range. The lens is finally driven to the in-focus position within the start and stop position range after the lens has first been driven to the start and then stop

positions. In Hashimoto, because initially only a general range is determined, the lens is driven first the start position and then to the stop position in order to confirm those locations thereby accurately defining the range. This process is accomplished for both ranges.

Thus, in Hashimoto's system, determination of direction of search from the start position cannot be taught as a lens always is driven to the stop position from the start position. The stop position is always in the same direction following the start position therefore a determination of one of two directions of search is unnecessary.

Thus, contrary to the present invention, Hashimoto does not teach determining a start position and a direction of search from the start position based on predetermined data.

Therefore, in view of the above, Hashimoto fails to teach each and every feature of the independent claims 1, 8 and 15 as required.

Further, regarding dependent claim 6, applicants respectfully submit that Hashimoto's alleged predetermined data does not correspond to the claimed close-up mode, landscape and night scene mode recited in claim 6. The Office Action refers to Hashimoto's determination of distance data to correspond to the claimed close-up mode and landscape mode. Also, the Office Action refers to Hashimoto's teachings in which distance data can be found in low luminance conditions as corresponding to applicant's claimed night scene mode. Applicants respectfully disagree.

Applicants respectfully submit that the landscape mode is not directly related to distance. The landscape mode is related to the angle of the captured image with respect to the lens. Further, the fact that Hashimoto states its techniques can be performed in low luminance does not suggest predetermined conditions associated with the photographic mode in which images

are captured at night. Performing the distance measurements in low luminance light does not necessarily relate to predetermined conditions for capturing of an image in a night scene mode.

In view of the above, applicants respectfully submit that Hashimoto fails to teach each and every feature of applicants independent claims as required. Further, dependent claims 2-7, 9-14 and 16-23 are also distinguishable over the cited reference for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### Conclusion

For at least these reasons, it is respectfully submitted that claims 1-23 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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